



**PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, AUGUST 8, 2007**

9:00 a.m.  
City Council Chambers  
City Hall

200 East Santa Clara Street  
San Jose, California 95113-1905

**Hearing Officers**

**Susan Walton, Principal Planner**

**Mike Enderby, Acting Principal Planner**

**Joseph Horwedel, Director  
Planning, Building, and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **August 8, 2007**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**AGENDA**  
**ORDER OF BUSINESS**

**1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

- a. **HA04-038-03.** Site Development Permit Amendment to modify the permit condition for construction hours (1) from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday for interior work, (2) to 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 9:00 p.m. on Saturday in the DC Downtown Primary Commercial Zoning District, located at/on the southeast corner of of South 2nd Street and East San Fernando Street (CIM PROJECT) APN: 467-22-156 & 157 (88 E SAN FERNANDO ST) (San Jose Redev Agcy, Owner). Council District 3. SNI: None. CEQA: Exempt. (Project Manager: Michelle Stahlhut)

**DROP**

- b. **SP06-086.** Special Use Permit to enclose 11,900 square-foot storage area at an existing recycle center on a 2.86 gross acre site in the HI Heavy Industrial Zoning District, located at/on the northwest corner of Charles Street and North 13th Street (575 CHARLES ST) (G T Properties A Joint Venture Et Al, Owner). Council District 4. SNI: None. CEQA: Re-use of a Mitigated Negative Declaration. (Project Manager: Chris Burton)

**DEFER TO 8-22-07**

**The matter of deferrals is now closed.**

**2. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **SP07-048.** Special Use Permit to construct a new single-family residence of 1,479 square feet with a one-car, detached garage on a substandard lot (40' wide) on a 0.07 gross acre site in the R-2 Two-Family Residence Zoning District, located at 1126 Cook Street (Eleanor Basa, Owner). Council District: 6. SNI: None. CEQA: Exempt. (Project Manager: Avril Baty)

- b. **V07-010.** Development Variance to construct a garbage and recycling bin enclosure on a 0.62 gross acre site in the R-M Multiple Residence Zoning District, located at 54 LESTER AV (Carl and Angelina Ehlers et al, Owners). Council District: 6. SNI: None. CEQA: Exempt.  
(Project Manager: Avril Baty)
- c. **PD07-029.** Planned Development Permit to construct two detached and two attached single-family residences on a 0.26 gross acre site in the A(PD) Planned Development Zoning District, located at/on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettefagh Farajollah Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt. **Deferred from 7-25-07.**  
(Project Manager: Martina Davis)
- d. **PT07-026.** Tentative Map application to subdivide one lot into five lots for two attached and two detached single-family residences in the A(PD) Planned Development Zoning District, located on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettefagh Farajollah Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt.  
(Project Manager: Martina Davis)
- e. **TR07-163.** Tree Removal Permit for a live Modesto Ash tree (approx. 92" in circumference) on a single family residential lot in the R-1-8 Single-Family Residence Zoning District, located at 3612 TRONSON CT (Linda Avila, Owner). Council District 4. CEQA: Exempt.  
(Project Manager: Chris Burton)
- f. **PT07-037.** Planned Development Tentative Map to reconfigure one parcel into two lots for IP uses in the IP(PD) Planned Development Zoning District, located on the southwest corner of W Trimble Road and Orchard Parkway (350 W TRIMBLE RD) (370 West Trimble Road Corp, Owner). Council District 4. SNI: None. CEQA: Exempt.  
(Project Manager: Chris Burton)
- g. **TR07-157.** Tree Removal Permit to remove one live Redwood tree measuring 86-inches in circumference from a single-family residence on a 0.15 gross acre site in the R-1-1(PD) Planned Development Zoning District, located at 836 Downswood Court (Gage Theo C And Mary L Trustee, Owner). Council District 10. CEQA: Exempt.  
(Project Manager: Michelle Stahlhut)
- h. **TR07-113.** Tree Removal Permit to remove one Pepper tree approximately 80 inches in circumference and one Palm tree approximately 74 inches in circumference from a single-family residence on a 0.22 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the southeast side of Magnolia Avenue approximately 390 feet northeast of Park Avenue (1336 MAGNOLIA AV) (Schonewille Geert J, Owner). Council District 6. CEQA: Exempt.  
(Project Manager: Michelle Stahlhut)

- i. **TR07-135.** Tree Removal application to remove one Redwood Tree approximately 80 inches in circumference in the R-1-5 Zoning District, located at 6904 Maiden Lane (Thomas and Mayumi Elardo). Council District: 10. CEQA: Exempt. (Project Manager: Michelle Stahlhut)
- j. **TR07-130.** Tree Removal Permit requesting removal of one deodar cedar tree, approximately 97 inches in circumference, located in the front yard of an existing single-family detached residence on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Schiele Avenue, approximately 560 feet east of The Alameda (986 Schiele Av) (Ronald A Caselli, Owner). Council District 6. CEQA: Exempt. **Deferred from 7-25-07.** (Project Manager: Rebekah Ross)
- k. **TR07-138.** Tree Removal Permit requesting removal of one Larch tree approximately 80 inches in circumference located on the north side of Dean Avenue approximately 730 feet west of Lincoln Avenue (1151 Dean Avenue) in the R-1-8 Single-Family Residence Zoning District, (Dieter Mueller, Owner). Council District 6. CEQA: Exempt. **Deferred from 7-25-07.** (Project Manager: Rebekah Ross)
- l. The projects being considered are located at/on the northeast corner of Almaden Expressway and Coleman Road (15520 ALMADEN RD), in the A(PD) Planned Development Zoning District (CITY OF SAN JOSE, Owner) (Barry Swenson Builder, Developer). Council District 10. SNI: None. CEQA: Addendum to a Negative Declaration, PDC04-064. (Project Manager: Ron Eddow)
  - 1. **PT03-083.** Planned Development Permit to construct 32 single-family attached residential units on a 1.42 gross acre site.
  - 2. **PT05-083.** Planned Development Tentative Map Permit to combine two parcels into one lot for single-family attached residential uses on a 1.42 gross acres site.
- m. **HP07-003.** Historic Preservation Permit to allow construction of an approximately 750-square-foot, two-story addition and detached garage on a 0.12-acre contributing single-family residential site (183 Sonoma Street) in the Lakehouse City Landmark Historic District (Lynn Barringer, Owner). Council District: 3. SNI: Delmas Park. CEQA: Exempt. (Project Manager: Darren McBain)
- n. **PT07-025.** Planned Development Tentative Map to reconfigure two lots into one lot for 14 single-family attached residential condo units, 7 commercial commercial condo units, and common area on a 0.62 gross acres in the CP (PD) Commercial Pedestrian Planned Development Zoning District, located on the east side of South King Road, 300 feet northerly of East San Antonio Street (150 S King Road ) (Tam and Toan Nguyen, Owners). Council District 5. SNI: Mayfair. CEQA: Addendum to Mitigated Negative Declaration (Project Manager: Reena Mathew)

- o. **PT07-048.** Planned Development Tentative Map Permit to subdivide one parcel into five lots for residential and common area uses on a 0.31 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of Page Street, approximately 260 feet northerly of Chiechi Avenue (513 Page Street) (Thai Khong, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt (Project Manager: Reena Mathew)

**The consent calendar is now closed.**

### **3. PUBLIC HEARING**

- a. The projects being considered are located at/on east side of Almaden Expressway approximately 200 feet north of Fleetwood Drive, in the A(PD) Planned Development Zoning District (RDS Investments, Owner). Council District 10. SNI: N/A. CEQA: Mitigated Negative Declaration. **Deferred from 7-25-07.** (Project Manager: Licinia McMorrow)
  - 1. **PD07-056.** Planned Development Permit to allow demolition of an existing single-family residence and construction of six single-family detached residential units on a 1.07 gross acres site
  - 2. **PT07-031.** Planned Development Tentative Map to subdivide one parcel into six lots for single-family detached residential uses on a 1.07 gross acres site.
- b. **PT06-088.** Planned Development Tentative Map to reconfigure 2 parcels into 16 lots for retail uses on a 55.1 gross acre site in the A(PD) Planned Development Zoning District, located on the Northwest corner of Curtner Ave and Monterey Rd (1 Curtner Avenue) (WPV San Jose, LLC, Owner). Council District 7. SNI: None. CEQA: Addendum to Final EIR. **Deferred from 7-25-07.** (Project Manager: Reena Mathew)
- c. **H07-011.** Site Development Permit for the demolition of an existing 1,181 square foot, one-story metal retail building and construction of a new 3,976 one-story retail building and associated parking, in the CN Commercial Neighborhood Zoning District, located on the northeast corner of Story Road and South King Road (1703 Story Road) (Story & King Props LLC Dan Hoady, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. **Deferred from 7-18-07 and 7-25-07.** (Project Manager: Hadasa Lev)
- d. **TR07-144.** Tree removal permit for two Liquid Amber trees, 72 and 75 inches in circumference, on a 0.18 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 2329 Walden Square (John and Teresa Guastaferrero, owners). Council District 6. CEQA: Exempt. **Deferred from 7-25-07.** (Project Manager: John Davidson)

- e. **V07-007.** Development Variance application to allow an increase in the 35 foot R-1-8 Single Family Residence height limit to allow the installation of four (4) 75 foot tall outdoor lights on an athletic field of an existing private high school campus (Harker High School) on a 15.3 gross acre site located on the northeast corner of Highway 280 and Saratoga Avenue (500 Saratoga Avenue) Council District. 1. SNI: None. CEQA: Exempt.  
(Project Manager: Rebekah Ross)
  
- f. **PD07-066.** Planned Development Permit to allow the subdivision of an existing property, consisting of two lots into 16 lots for commercial purposes on a 55.4 gross acres site in the A(PD) Planned Development Zoning District, located on the northwest corner of Curtner Ave and Monterey Rd (1 Curtner Avenue) (WPV San Jose LLC, Owner). Council District 7. SNI: None. CEQA: Addendum to Final EIR.  
(Project Manager: Reena Mathew)
  
- g. **SP07-024.** Special Use Permit to allow construction of a new two-story single-family residence (approximately 1,438 square feet) and a detached single-car garage (approximately 318 square feet) on a 0.07 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of Gifford Avenue (387 Gifford Avenue) approximately 100 feet north of Auzerais Avenue (Jacob T. and Catherine O. Lavin, Owner). Council District 3. SNI: Delmas Park. CEQA: Exempt.  
(Project Manager: Rebekah Ross)
  
- h. **TR07-149.** Tree Removal Permit for three live Monterey Pine trees, 84 inches to 122 inches in circumference, on an existing single-family detached residential lot in the R-1-8 Single-Family Residence Zoning District, located at/on 866 Race Street (Chiaramonte, Pauline V Trustee & Et Al, Owner). Council District 6. CEQA: Exempt.  
(Project Manager: Meera Nagaraj)
  
- i. **H07-021.** Site Development Permit to expand an existing Mini-Mart from 1,576 sq ft to 4,405 sq ft on a 0.51 gross acre site in the CP Commercial Pedestrian Zoning District, located on the southeast corner of Story Road and Hopkins Drive (2010 Story Road (Dai Minh Duc, Llc Douglas Duc Huynh, Owner/Developer). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt.  
(Project Manager: Hadasa Lev)
  
- j. **TR07-154.** Tree Removal Permit for a live Monterey Pine tree (9-foot circumference) from the side yard of a single family residential lot in the R-1-8 Single-Family Residence Zoning District, located at the 1153 Cherry Avenue (Brieger Stephen G And Karen J Trustee, Owner). Council District 6. CEQA: Exempt.  
(Project Manager: Martina Davis)
  
- k. **TR07-158.** Tree removal permit for one Lavrus Nobilis tree, 186 inches in circumference on an existing single-family detached residential lot in the R-1-8 Single-Family Residence Zoning District, located at/on the 798 Schiele Avenue (Gutknecht Kay M, Owner). Council District 6. CEQA: Exempt.  
(Project Manager: Meera Nagaraj)

1. **TR07-159.** Tree removal permit for one Black Locust tree, 131 inches in circumference in the rear yard of an existing single-family residential lot in the R-1-8 Single-Family Residence Zoning District, located at/on the 4155 Keith Drive (Geddes David I And Lisa, Owner). Council District 1. CEQA: Exempt.  
(Project Manager: Meera Nagaraj)

This concludes the Planning Director's Hearing for August 8, 2007. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:  
<http://www.sanjoseca.gov/planning/hearings/default.asp>  
PUBLIC INFORMATION COUNTER  
(408) 535-7800 CITY OF SAN JOSE